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SEP 21 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,) No. CR 11-00372 PJH (DMR)
Plaintiff,)
v.) DETENTION ORDER
WARD PLATO HOYE, IV,)
Defendant.)
_____)

I. DETENTION ORDER

Defendant Ward Plato Hoye, IV is charged in an indictment with multiple counts in violation of 18 U.S.C. § 371 (conspiracy to manufacture and pass counterfeit obligations) and 18 U.S.C. § 372 (passing counterfeit obligations). On September 16, 2011, the United States moved for Mr. Hoye's detention and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). Pretrial Services prepared a criminal record report. At the September 21, 2011 hearing before this Court, Defendant waived the timing of his right to proffer information at a detention hearing, *see* 18 U.S.C. § 3142(f) (a defendant has the right at a section 3142(f) hearing, with the assistance of counsel, to testify, to present witnesses, to cross-examine adverse witnesses, and to

DETENTION ORDER

CR 11-00372 PJH (DMR)

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cc: Copy to parties via ECF, Nichole, Pretrial Services, 2 Certified copies to
U.S. Marshal

1 present information by proffer or otherwise), and retained his right to raise any additional
2 relevant information at a later hearing.

3 After considering the limited information available to the Court, and the factors set forth
4 in 18 U.S.C. § 3142(g), the Court detains Mr. Hoye as a danger to the community and finds that
5 no condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure his
6 appearance in this case. See 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*, 767 F.2d
7 1403, 1406 (9th Cir. 1985).

8 II. CONCLUSION

9 The Court detains Mr. Hoye at this time. Because Defendant waived his right to present
10 information under 18 U.S.C. § 3142(f) without prejudice to raising relevant information at a later
11 hearing, the Court orders that the hearing may be reopened at Defendant's request at any future
12 time.

13 Mr. Hoye shall remain committed to the custody of the Attorney General for confinement
14 in a corrections facility separate, to the extent practicable, from persons awaiting or serving
15 sentences or being held in custody pending appeal. Defendant shall be afforded reasonable
16 opportunity for private consultation with counsel. On order of a court of the United States or on
17 request of an attorney for the Government, the person in charge of the corrections facility in
18 which Defendant is confined shall deliver Defendant to a United States marshal for the purpose
19 of an appearance in connection with a court proceeding.

20 IT IS SO ORDERED.

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23 DATED: September 21, 2011



24 DONNA M. RYU
United States Magistrate Judge

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